

MEMORANDUM

SUBJECT: EPA'S Position on Deliberative Documents Developed by EPA's Contractor (Abt)
Regarding Montana's Nutrient Water Quality Standard and Variance Submission

FROM: Martin Hestmark, Assistant Regional Administrator
Ecosystems Protection and Remediation Program



TO: The File

DATE: February 26, 2015

In finalizing EPA's action on Montana's August 2014 numeric nutrient criteria and variance submission, EPA reviewed the following draft documents produced by EPA's contractor, Abt:

- Review of Demonstration of Substantial and Widespread Economic Impacts to Montana from Compliance with Numeric Nutrient Water Quality Standards
- Review of Montana Nutrient Standards Guidance (11/13/13 draft)

EPA reviewed the content of these documents and identified the documents as privileged deliberative materials for the following reasons:

- The documents were never finalized; the 2013 report notes that additional information is pending;
- The accuracy of statements made in the documents were never reviewed or evaluated by EPA Region 8;
- The materials were developed as a crosswalk between EPA's economic guidance and Montana's approach. As noted in our action letter on Montana's nutrient submission, EPA's guidance provides flexibility for states to customize their approach to fit their site-specific conditions.

For these reasons, EPA does not view these documents as part of the Administrative Record for this action.

